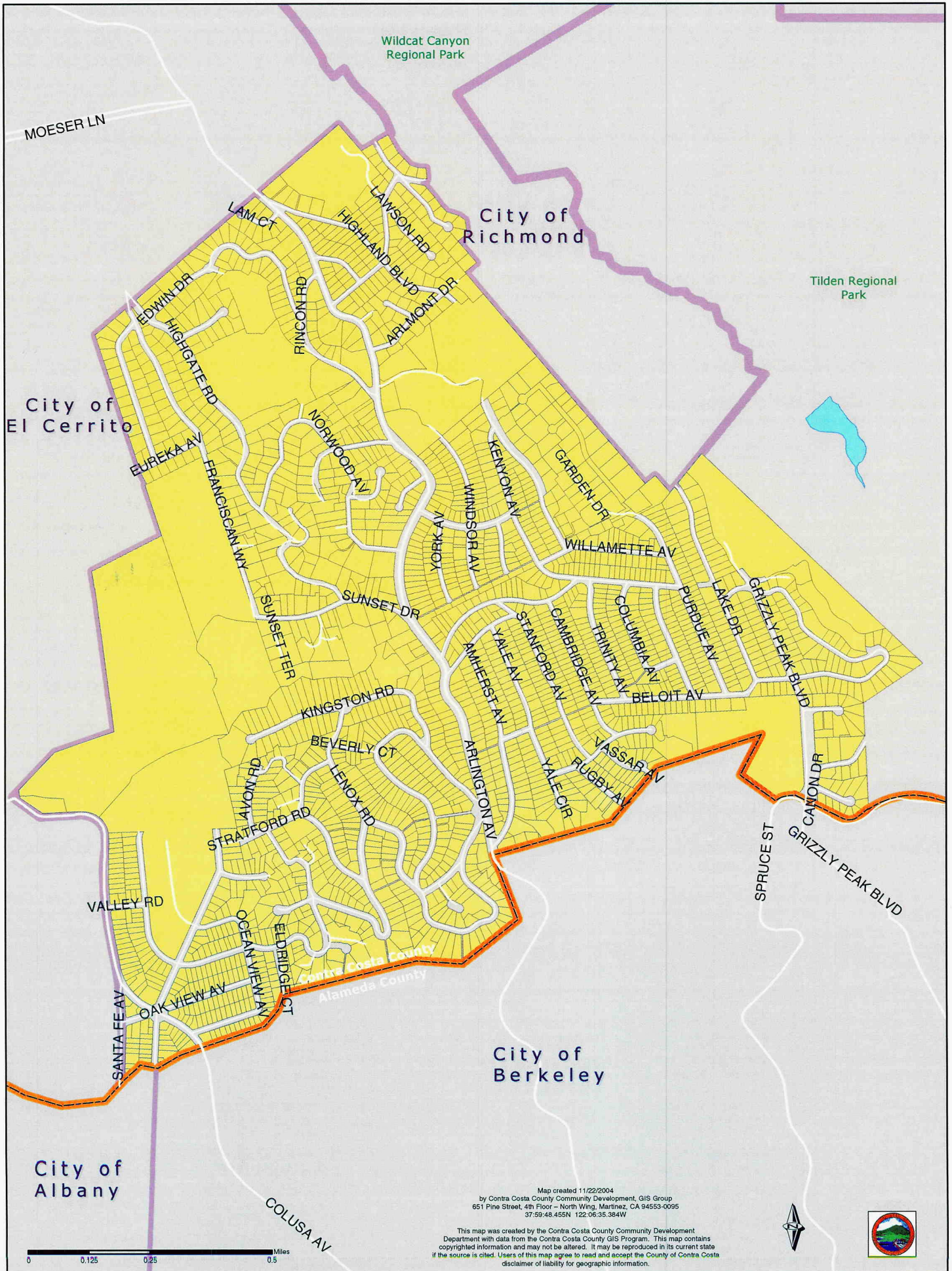


Kensington Limits



II. EXECUTIVE SUMMARY:

The Kensington community has been working on the proposed ordinance for several years. Through many volunteer hours and significant public involvement, the final proposal was forwarded to the Community Development Department for review and recommendation in June of this year (Refer to Exhibit D).

On June 29, 2004, the Board of Supervisors adopted the Interim Urgency Ordinance which prohibited new residential additions on lots located in Kensington which conform to the residential zoning district standards. The Interim Ordinance placed a restriction on residential development, specifically on vacant parcels and on parcels that *conform* to the applicable zoning district standards and that otherwise could obtain building permits without design review. The existing “small lot review” process which applied to all substandard lots, was not altered. On August 10, 2004, the Board of Supervisors extended and modified the Interim Ordinance. The modification allowed building permit applications which received zoning clearance prior to the effective date of the Urgency Ordinance to proceed. The Interim Ordinance will be effective until June 28, 2005 or until the adoption of the proposed Kensington Combining District Ordinance.

The ordinance which was prepared by the Kensington community extends a design review process, similar to the “small lot review”, to all proposed residential development in the community. The ordinance establishes a floor area threshold, above which a public hearing is automatically required for the expansion of a building envelope. For those projects which fall below the applicable standard (which varies dependent upon the lot size), a public hearing is only required if requested following a public notice. Once a public hearing is required, the standards for consideration are more detailed and more inclusive than that which is found in the small lot review process.

In order to adopt this type of ordinance, a General Plan Amendment which provides for the supporting text policies, is required. Section VII of this report addresses General Plan issues, and recommends the adoption of specific policies. The proposed ordinance was reviewed by staff to ensure that it met the described intent and purpose, that the text was clear, that the ordinance could be implemented in a consistent and reasonably efficient manner, and that the ordinance otherwise could be approved by the Board. The proposed Kensington Combining District, which includes the staff adjustments, is attached as Exhibit A.

III. RECOMMENDATIONS:

- A. FIND that on the basis of the whole record, including the Initial Study and the comments received, that there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the County's independent judgment and analysis. The documents or other material that constitute the record of proceedings upon which the Planning Commission's decision is based may be found at the Community Development Department, 651 Pine Street, Martinez, CA under the custodian of the project planner, Ryan Hernandez (925) 335-1206.
- B. FIND that the Negative Declaration is adequate for the project and that the Commission has considered the Negative Declaration prior to making a recommendation.
- C. RECOMMEND that the Board of Supervisors:
 - 1. ADOPT the General Plan Amendment which provides the supporting policies for the adoption of the proposed Kensington Combining District as shown in Section VII of this report; and
 - 2. ADOPT the proposed ordinance which adds Chapter 84-74 to the County Code to establish the Kensington Combining District (/K); and
 - 3. APPROVE Rezoning #RZ043149 which applies the Kensington Combining District to all properties located in the Kensington community.
- D. DIRECT staff to return to the Commission one year following implementation to report on any issues that have arisen through the implementation of the proposed Kensington Combining District, and whether any modifications should be made to ensure that the "purpose and intent" of the Ordinance is fulfilled.

IV. GENERAL INFORMATION

- A. Setting: Kensington is a residential community that is tucked in the hills between Berkeley and El Cerrito. The land within Kensington, originally a collection of dairy farms, is now a mature established residential community that is almost entirely built out. Winding roads, limited parking, and striking views of the Bay and parks are part of the essential character of Kensington. Although Kensington is primarily residential,

there are specialized pockets of other land uses such as the Kensington School, Sunset View Cemetery, and two neighborhood business districts. Kensington shares borders with Tilden and Wildcat Canyon Parks to the east, the City of El Cerrito to the north and west, and the City of Berkeley to the south. The Cities of Richmond and Albany also share small parts of the Kensington border.

- **North** - The City of El Cerrito, the City of Richmond, and Wildcat Canyon Regional Park.
- **East** - The City of Richmond and Tilden Regional Park.
- **South** - Alameda County consisting of the City of Berkeley, and the City of Albany.
- **West** - The City of El Cerrito.

- B. Community Description: The majority of residences were established approximately 50-80 years ago before the adoption of the County Zoning Code. The architectural styles of homes are varied; however, within very localized neighborhoods, houses may have similar sizes and designs. Though the styles may differ, approximately 60% of the existing residences (excluding garages) range in size between 1000 and 2000 square feet.

The overwhelming land use within Kensington is single-family residential. The Arlington Shopping Center and Colusa Circle Shopping Area are the two small areas designated for retail and commercial activities. Additionally, Sunset View Cemetery, U.C. Blake House and Gardens, Kensington Community Center and Kensington Park make up the other land uses.

- C. Existing General Plan: The Kensington area has five existing General Plan designations. These designations include Single-Family High Residential (SH), Open Space (OS), Commercial (CO), Public/Semi-Public (PS), and Forest Recreation (FR). The proposed General Plan Amendment would not alter these designations. Rather, new policies are proposed to be included in the Land Use Element which will supplement these designations. There are no policies presently in the General Plan that specifically address Kensington.
- D. Zoning: There are four zoning districts and one overlay district currently in place within Kensington. These zoning districts include Single-Family Residential (R-6), Retail Business (R-B), Planned Unit Development (P-1), and Limited Office (O-1). The overlay district is the Tree Obstruction of Views Combining District (TOV).

- E. Public Services: Kensington has its own established Community Services District which is responsible for Police and Fire Protection. Other service providers include water from East Bay Municipal Utilities District, public schools through West Contra Costa Unified, East Bay Regional Park District, and sanitary provided by Stege Sanitary. In addition, the Kensington Municipal Advisory Council provides recommendations to the County on land use matters. The Kensington Improvement Club and the Kensington Property Owners Association are two active community groups. These two organizations each contributed funds to support the Department's review of the proposal.

- F. Earthquake Fault Zone: An "Alquist Priolo" fault zone affects a large portion of lots within Kensington. The adoption of the proposed Kensington Combining District does not alter requirements related to structures proposed in Alquist Priolo Zones.